

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,
v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

Adv. Proc. No. 20-00003-LTS

PROMESA
Title III

¹ The Debtors in these jointly-administered Title III cases, along with each Debtor's respective Title III case number (listed as a bankruptcy case number due to software limitations) and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

Adv. Proc. No. 20-00004-LTS

PROMESA

Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION, *et al.*,

Defendants.

Adv. Proc. No. 20-00005-LTS

PROMESA

Title III

**URGENT MOTION REQUESTING ENTRY OF ORDER SETTING BRIEFING
SCHEDULE AND HEARING ON OFFICIAL COMMITTEE OF UNSECURED
CREDITORS' URGENT CROSS-MOTION FOR STAY RELIEF FOR LEAVE TO FILE
LIMITED OBJECTION, OR IN THE ALTERNATIVE, TO INTERVENE**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors (the "Committee")² respectfully submits this urgent motion (the "Urgent Motion") requesting entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), setting a briefing schedule and hearing on the *Official Committee of Unsecured Creditors' Urgent Cross-Motion for Stay Relief for Leave*

² The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

to File Limited Objection, or in Alternative, to Intervene (the “Cross-Motion”).³ In support of this Urgent Motion, the Committee respectfully states as follows:

JURISDICTION, VENUE, AND STATUTORY BASES

1. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA.⁴
2. Venue is proper pursuant to section 307(a) of PROMESA.
3. The statutory bases for the relief requested herein are section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), made applicable to these Title III cases by sections 301(a) and 310 of PROMESA, Rule 9013-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico (the “Local Rules”), and the *Fourteenth Amended Notice, Case Management and Administrative Procedures* [Docket No. 15894-1] (the “Case Management Procedures”).

RELIEF REQUESTED

4. By this Urgent Motion, the Committee respectfully requests entry of the Proposed Order scheduling a briefing schedule and hearing on the Cross-Motion, in the Court’s discretion.

BASIS FOR RELIEF REQUESTED

5. Bankruptcy Rule 9006(c)(1) provides that “the court for cause shown may in its discretion with or without motion or notice order the period [for notice] reduced.” Further, Local Rule 9013-1(a) allows a party to request that a court “consider a motion on an expedited basis.”

³ Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Cross-Motion.

⁴ References to PROMESA are references to 48 U.S.C. §§ 2101 *et seq.*

6. The Committee has filed the Cross-Motion in response to the Oversight Board's Motion to lift the stay imposed by the Revenue Bonds CMO and allow the Oversight Board to file certain Motions for Partial Summary judgment in the Revenue Bond Adversary Proceedings. The Committee's Cross-Motion seeks parallel relief, *i.e.*, to file certain Proposed Objections alongside the Motions for Partial Summary Judgment. As a result, the Cross-Motion should be considered at the April 28, 2020¹ omnibus hearing, or when the Oversight Board's Motion is considered. The Committee proposes that any objections to the Cross-Motion be filed by April 20, 2021 at 4:00 p.m. (AST), and that any replies be filed by April 23, 2021 at 4:00 p.m. (AST).

CERTIFICATION

7. In accordance with Local Bankruptcy Rule 9013-1(a) and paragraph I.H. of the Case Management Procedures, this Urgent Motion has been proceeded by reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court on an urgent basis. On April 12, 2021, the Committee sent an email to the parties to the Revenue Bond Adversary Proceedings, requesting consent to the relief sought in the Cross-Motion, as well as consent to the proposed schedule. Counsel for Assured, National, FGIC, and Ambac indicated that they did not consent to the requested relief. At the time of filing, the Committee did not receive responses from any other party, including the Oversight Board.

NOTICE

8. Notice of this Motion has been provided to the following entities, or their counsel, if known: (i) the U.S. Trustee; (ii) the Office of the United State Attorney for the District of Puerto Rico; (iii) the Oversight Board; (iv) the Puerto Rico Fiscal Agency and Financial Advisory Authority; (v) the Official Committee of Retired Employees of the Commonwealth of Puerto Rico; (vi) the insurers of the bonds issued or guaranteed by the Debtors; (vii) counsel to

certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors; and (viii) all parties that have filed a notice of appearance in the above-captioned Title III cases.

NO PRIOR REQUEST

9. No previous request for the relief requested herein has been made to this or any other court.

[Remainder of page intentionally left blank.]

WHEREFORE, the Committee respectfully requests the Court to enter the proposed order, substantially in the form attached hereto as **Exhibit A**, and grant the Committee such other relief as is just and proper.

Dated: April 13, 2021

/s/ Luc A. Despins

PAUL HASTINGS LLP
Luc A. Despins, Esq. (*Pro Hac Vice*)
Nicholas A. Bassett, Esq. (*Pro Hac Vice*)
G. Alexander Bongartz, Esq. (*Pro Hac Vice*)
200 Park Avenue
New York, New York 10166
Telephone: (212)318-6000
lucdespins@paulhastings.com
nicholasbassett@paulhastings.com
alexbongartz@paulhastings.com

Counsel to Official Committee of Unsecured Creditors

– and –

/s/ Juan J. Casillas Ayala

CASILLAS, SANTIAGO & TORRES LLC
Juan J. Casillas Ayala, Esq. (USDC - PR 218312)
Israel Fernández Rodríguez, Esq. (USDC - PR 225004)
Juan C. Nieves González, Esq. (USDC - PR 231707)
Cristina B. Fernández Niggemann, Esq. (USDC - PR 306008)
PO Box 195075
San Juan, Puerto Rico 00919-5075
Telephone: (787) 523-3434
Fax: (787) 523-3433
jcasillas@cstlawpr.com
ifernandez@cstlawpr.com
jnieves@cstlawpr.com
cfernandez@cstlawpr.com

Local Counsel to Official Committee of Unsecured Creditors